

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

CEDRIC CARTER,

Petitioner,

-vs-

BETTY MITCHELL, Warden,

Respondent.

:

Case No. 1:98-cv-853

:

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

:

ORDER

This capital habeas corpus case is before the Court on application of Ohio Assistant Public Defender Linda Prucha for payment of attorney fees for the period December 1, 2010, through April 12, 2011, and appears to relate entirely to services rendered on behalf of Petitioner in Ohio clemency proceedings.

Without commenting on the ultimate propriety of paying for these services from Criminal Justice Act funds, the Court notes that Ms. Prucha has never been appointed by this Court as counsel for the Petitioner. The application is accordingly denied.

March 1, 2012.

s/ **Michael R. Merz**
United States Magistrate Judge